

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **YADIRA VARGAS TIRADO**
SSN xxx-xx-1126

CASE NO: **16-08946-BKT**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$500.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **8/1/2018 (Dkt 76)** **Plan Base: \$18000.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:62.21%

The Trustee objects to confirmation for the following reasons:

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to disclose income.

As per evidence submitted Debtor's Social Security is \$941.00 not \$840.00.

Attorney Fee Related Issues

Trustee objects the additional fees of \$500.00 until above mentioned matters are resolved.

***OTHER COMMENTS / OBJECTIONS**

Still pending Motion for Relief from Stay filed by secured creditor DLJ Mortgage Capital, in dkt.30. Debtor and creditor filed a Stipulation which is yet to be approved by the Court.

DLJ Mortgage Capital, secured creditor provided for in the plan, is yet to file its proof of claim for post-petition arrears. Said creditor will not participate from the disbursements regarding said arrears until it files its claim.

Per Stipulation in docket no. 87, Debtor's trial period ends in March 2019.

NOTICE

Case:16-08946-BKT13 Doc#:89 Filed:11/14/18 Entered:11/14/18 13:40:29 Desc: Main Document Page 2 of 2

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: November 13, 2018

/s/ Nannette Godreau, Esq.

Last Docket Verified: 87 Last Claim Verified: 7 CMC: MC